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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/476,455    12/30/99    FUJII

K    SIC-99-047

EXAMINER

PM82/0426

JAMES A DELAND  
DELAND LAW OFFICE  
2010 CROW CANYON PLACE SUITE 100  
SAN RAMON CA 94583-5611

MORRISON, N  
ART UNIT

PAPER NUMBER

3632  
DATE MAILED:

04/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

<b>Office Action Summary</b>	Application No. 09/476,455	Applicant(s) FUJII, KAZUHIRO	
	Examiner Naschica S Morrison	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 14, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 16, 17 and 19 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 445.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first Office Action for serial number 09/476,455, Bell Crank Assembly and Mounting Bracket for a Bicycle Hub, filed on December 30, 1999. Claims 1-20 are pending.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 and 20, drawn to a bell crank, classified in class 474, subclass 80.
- II. Claims 10-19, drawn to a bell crank mounting bracket, classified in class 248, subclass 300.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a bell crank does not require a bracket which comprises a motor mounting portion and a rear frame portion. The subcombination has separate utility such as the operation of a brake assembly of a motorcycle such as to be directly connected to the brake mechanism.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with James Deland on March 19, 2001 a provisional election was made without traverse to prosecute the invention of the mounting bracket, claims 10-19. Affirmation of this election must be made by applicant in replying to this Office action. Claim 1-9 and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Specification***

The following title is suggested: Bell Crank Mounting Bracket.

The disclosure is objected to because of the following informalities: on page 4, line 25, "63" should be --61--. Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: numerals 268 and 321. Correction is required.

### ***Claim Objections***

Claim 18 is objected to because of the following informalities: on claim 18, line 1, "a" before "motor" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10,11,14,15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,269,947 to Ludwig. Regarding claims 10, 14, 15, and 18, Ludwig discloses a one-piece mounting bracket (Figs. 1 and 2) comprising: a mounting bracket portion (28), an inclined transition portion (26), rear frame portion (22) defining an opening (24), and mounting member (21). Regarding claims 10,11,14,15, and 18, Ludwig discloses an alternative one-piece mounting bracket (Fig. 4) comprising: a mounting bracket portion (60), an inclined transition portion (26a), rear frame portion (22) defining an opening (24), mounting member (21), and front frame mounting portion (61) extending from the mounting bracket portion (60).

***Allowable Subject Matter***

Claims 12,13,16,17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


2,892,927 to Rosenblum discloses a flash bracket.  
5,222,706 to Hoshino discloses a structure for a wiper apparatus.  
5,230,495 to Brackus discloses a dashboard bracket.  
5,722,296 to Nishigai et al. discloses a transmission device.  
6,155,585 to Busby discloses a drive bicycle.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. The Examiner can be normally reached Monday through Friday from 7:00 A.M. to 4:30 P.M. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3597 or (703) 305-3598 (formal amendments) or (703) 308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.



Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
4/23/01



ANITA KING  
PRIMARY EXAMINER

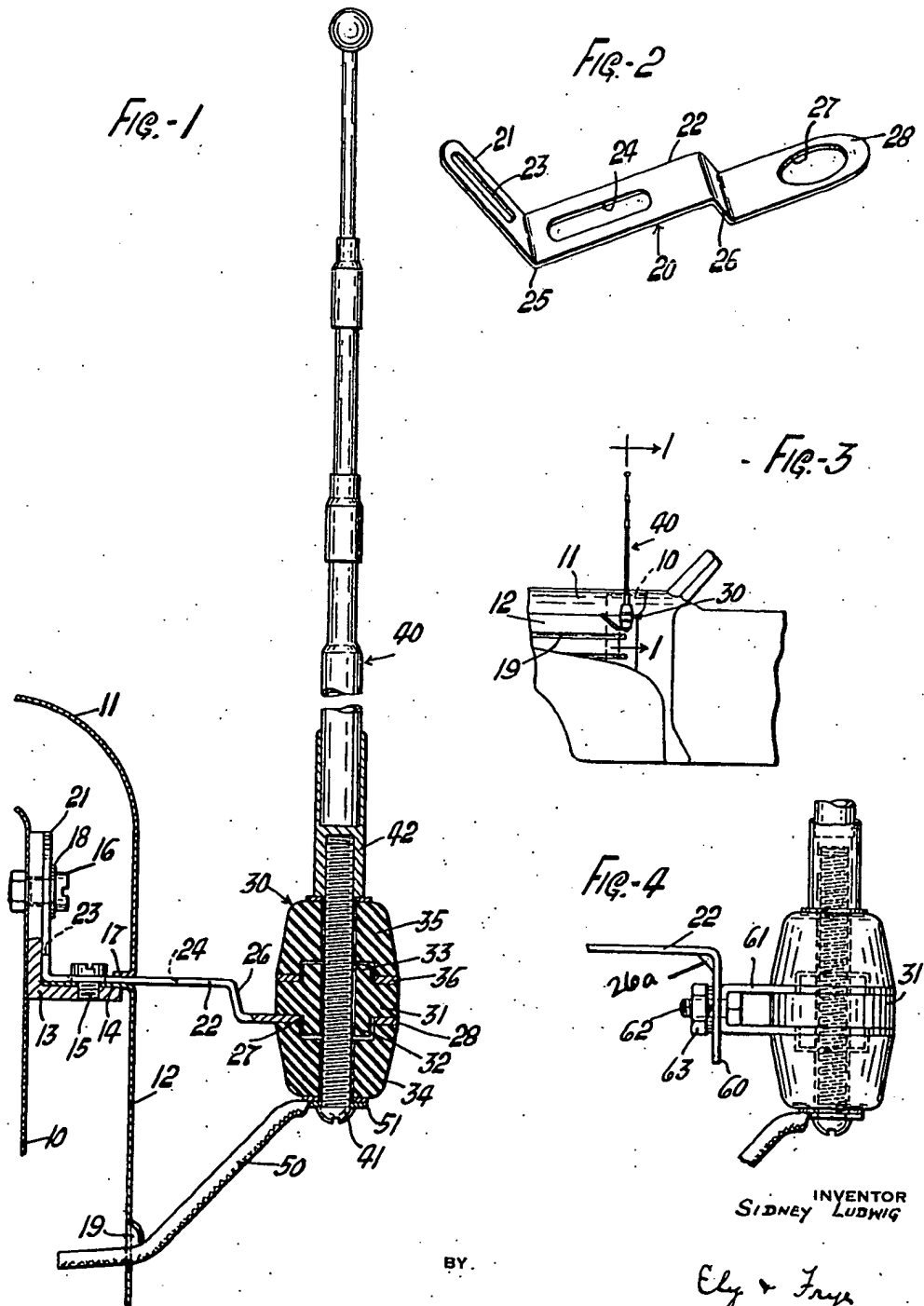
Jan. 13, 1942.

S. LUDWIG

2,269,947

ANTENNA MOUNTING

Filed Oct. 26, 1939



BY

INVENTOR  
SIDNEY LUDWIG

Ely & Frye

ATTORNEYS